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C8

an alternative IP address is used for communicating the IP packets to the endpoint over a non-cable-based communications channel.--

REMARKS

This is a continuation application of Application No. 08/991735.

Applicants have added new claims 18 – 32 for consideration, of which claims 18, 20, 22, 27, 29, 31 and 32 are independent:

- Claim 18 requires a first cable-based communications channel and a second non-cable-based communications channel (lines 6 - 8);
- Claim 20 requires that the primary communications channel and the secondary communications channel be supported by physically different communications mediums (lines 10 - 12);
- Claim 22 requires a CATV access network and a switched telephone network (lines 6 - 9);
- Claim 27 requires a first cable-based channel and a second non-cable-based communications channel (lines 6 - 8);
- Claim 29 requires that the primary communications channel is physically different from the secondary communications channel (lines 6 - 8);
- Claim 31 requires a primary cable channel and a secondary non-cable communications channel (lines 6 - 9); and
- Claim 32 requires a cable-based communications channel and a non-cable-based communications channel (lines 5 – 8).

Claims 1 – 17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,903,558 issued May 11, 1999 to Jones et al. (the Jones reference) in the Office Action of December 12, 1999 with respect to the parent, Application No. 08/991735. Applicants respectfully maintain their disagreement as stated in applicants' response of October 5, 1999.

Applicants suggest the Examiner simply provide column and line numbers for those portions of the Jones reference that the Examiner asserts anticipate applicants'

claimed elements and then provide citations for those portions of the Jones reference that the Examiner asserts render applicants' claimed elements obvious.

For example, consider applicants' claim 7, if the Examiner states that the Jones reference "taught the invention substantially as claimed" (emphasis added), it would be helpful to applicants if the Examiner could specifically state what portion of the Jones reference relates to the "establishing step," "storing routing information step," and "communicating data packets step."

Additionally, applicants note that the Examiner states the following:

Jones et al did not specified due to the scope of their teaching that their system used routing table for switching from the primary line to the secondary line, or that the primary lines used different IP numbers but they stated that it would be obvious to one of ordinary skill in the art that these were the well known features of the art (e.g., see column 6, line 2 et seq.)

However, col. 6, lines 1 – 17 of the Jones reference states:

With reference now to FIG. 4, a block diagram of a data processing system that may be employed to implement a router in either head-end 102 or at a CAU 126 is depicted according to the present invention. At head-end 102 and at CAU 126, the routing function may be implemented using data processing system 400, which includes processor 402, random access memory (RAM) 404, read only memory (ROM) 406, storage device (SD) 408, and display device 410, all connected by bus 412 according to the present invention. *One having ordinary skill in the art will recognize that the elements of data processing system 400 are conventional and operate in a conventional manner.* Router 210 in FIG. 2 and router 308 in FIG. 3 use some or all of the components depicted in FIG. 4 according to the present invention. Alternatively, the functions provided by router 210 or router 308 may be implemented in an application specific integrated

circuit (ASIC) according to the present invention. Data processing system 400 may be implemented using a number of data processing systems, such as a personal computer, a work station, or a main frame computer system. (Emphasis added.)

Nowhere can applicants find in the above-cited excerpt from the Jones reference any statement, or suggestion, to support the Examiner's comment that "switching from the primary line to the secondary line, or that the primary lines used different IP numbers but they stated that it would be obvious to one of ordinary skill in the art that these were the well known features of the art."

Applicants request that the Examiner clarify his argument with respect to column 6, lines 2 et seq. of the Jones reference so that applicants can better appreciate the Examiner's point.

In view of the foregoing, it is respectfully submitted that all remaining claims are now in condition for allowance and reconsideration is requested. If the Examiner believes that prosecution would be expedited by direct discussion, a telephone call to the undersigned would be welcomed.

Respectfully,



Joseph J. Opauch, Attorney
Reg. No. 36229
732-949-1708

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Lucent Technologies Inc.
600 Mountain Avenue (Room 3C-512)
P.O. Box 636
Murray Hill, New Jersey 07974-0636